IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 11362 of 2005

Between:

Smt.Koyya Appalakondamma, W/o.late

Appanna Reddy, aged 70 years,

Occ:Housewife, resident of

Resapuvanipalem, Visakhapatnam

..... PETITIONER

AND

1. The Visakhapatnam Municipal Corporation,

rep., by its Commissioner, Visakhapatnam

2. The Commissioner of Police,

Commissioner Officer, Suryabagh,

Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in trying to dispossess the petitioner from the land situated in R.S.No.37, Patta No.13, New Patta No.1437, Resapuvanipalem, Visakhapatnam, Visakhapatnam District without following due process of law, is illegal, arbitrary and violative of Article 14, 21 and 300(A) of the Constitution of India apart from being violative of Principles of natural justice.

Counsel for the Petitioner: MR.T.LAKSHMI NARAYANA

Counsel for the Respondent No.1: MN RANGAREDDY

Counsel for the Respondent No.2: GP FOR HOME

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking declaration that the action of the 1st respondent in trying to dispossess the petitioner from the land situated in R.S.No.37, Patta No.13, New Patta No.1437, Resapuvanipalem, Visakhapatnam, Visakhapatnam District without following due process of law, as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned counsel for the 1st respondent.

The petitioner contends that she is the owner of the land of an extent of Ac.3.80 cents situated in R.S.No.37, Patta No.13, New patta No.1437 of Resapuvanipalem, Visakhapatnam. While so, the 1st respondent and his subordinates threatened her to dispossess from the land in question. The petitioner gave a complaint to the police on 13.05.2005 in this regard.

If the land of the petitioner is required for any public purpose, the 1st respondent has to follow the due procedure by acquiring the land of the petitioner. Without following the due procedure under Land Acquisition Act or by making private negotiations, the 1st respondent cannot acquire the land of the petitioner.

Having regard to the facts and circumstances of the case, the writ petition is disposed of,

directing the 1st respondent not to dispossess the petitioner from the land in question except by following due procedure. No order as to costs.

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V.ESWARAIAH,J

Dated: 17.05.2005

Dsr

Note:

Issue operative portion

by wire at party's costs

B/o

Dsr

To:

1. The Commissioner,

The Visakhapatnam Municipal Corporation,

Visakhapatnam

2. The Commissioner of Police,

Commissioner Office,

Suryabagh, Visakhapatnam

3. Two CD copies

Form-NIC-OGS/WP{ }

4. Two CC`s to Govt Pleader for Home